

more city (Mr. Thomas) may be correct ; but I have been frequently consulted in the canvass before my people upon the very matter alluded to by this section, and I have stated time and again that if I had an opportunity of voting to give the legislature the power to make such a provision as is here alluded to, I would so vote. In compliance with the promises I have made to my constituency, I vote "aye."

The amendment was accordingly rejected.

Mr. DUVALL submitted the following amendment as an additional section of the legislative article :

"Sec.— The general assembly shall have power to pass such laws as are necessary to provide for the distribution of any appropriation hereafter made by the general government to the State of Maryland, to enable the State to compensate the masters or claimants of slaves emancipated from servitude by the adoption of this Constitution."

Mr. JONES, of Somerset. I have an amendment to offer which I will reduce to writing.

Mr. MILLER. That amendment brings up the question with regard to some disposition to be made of any appropriation that may be furnished by the general government for slaves emancipated in Maryland ; and I ask the indulgence of the Convention for a few moments while I express a few thoughts upon this question of compensation. A curious argument has been urged by the gentleman from Baltimore city (Mr. Stockbridge,) with reference to the duty of the State to make compensation. He has said that the State of Maryland has not taken this property from the masters for public use, but has merely decided, as between the slave and master, the inherent and natural right of liberty in favor of the slave, and therefore has not taken his private property for public use. What right have the people of Maryland to make any such decision as against the master or the owner of slaves ?

I say that by the adoption of the Constitution of the United States, that question was settled long ago. Every State in this Union agreed, when that constitution was adopted, that the master had the right of property in his slave. I need not refer to any decision of any court of any State in the Union that has more forcibly illustrated that than the courts of Massachusetts itself. I have before me a decision of Chief Justice Parker in the case of the commonwealth against Griffin in which it was decided by that judge :

"We are to consider, then, what was the intention of the constitution. The words of it were used out of delicacy, so as not to offend some in the convention whose feelings were abhorrent to slavery ; but we there entered into an agreement that slaves should be considered as property. Slavery would still have continued, if no constitution had been made."

By the adoption of that instrument Chief Justice Parker declares that the people of Massachusetts agreed with the people of all the rest of the country, that slaves should be considered as property. The Supreme Court of the United States, speaking through Justice Story, another eminent citizen of Massachusetts, a distinguished jurist, in commenting upon this same provision of the Constitution of the United States, declared :

"It is historically well known that the object of the clause in the Constitution, relating to persons owing service and labor in one State escaping into another, was to secure to the citizens of the slaveholding States the complete right and title of ownership in their slaves, as property, in every State of the Union into which they might escape from the State where they were held in servitude. * * *

The full recognition of this right and title was indispensable to the security of this *species of property* in all the slaveholding States ; and, indeed, was so vital to the preservation of their domestic interests and institutions, that it cannot be doubted that it constituted a *fundamental article, without the adoption of which the Union could not have been formed.*"

Now, what right have the people of Maryland to decide as between the negro and his master, that the master has no right of property in him, after having adopted this Constitution of the United States ? or that the right of the slaveowner to the services of his slave is not property protected by the Constitution of the United States ? When you take that away, I care not whether you take it and actually appropriate it to somebody else, or take it and deprive the master of it by manumission, and letting the slave go free, it is one and the same thing. You have destroyed the *right of property* which was guaranteed the slaveowner by the Constitution of the United States, in the services of his slave. You have destroyed it—you have taken it—in other words, because you think the public interest requires that it should be destroyed. There is no escape from the argument founded upon the proposition, that compensation should be made under such circumstances.

Here, also, is the opinion of Judge Baldwin, a judge of the circuit court of the United States. He says :

"The foundations of the government are laid and rest on the *rights of property in slaves*, and the whole structure must fall by disturbing the corner stone."

Chief Justice Tilghman, of Pennsylvania, declaring precisely the same thing, said :

"Whatever may be our opinions on the subject of slavery, it is well known that our Southern brethren would not have consented to become parties to a Constitution, under which the United States have enjoyed so much prosperity, unless their *property in slaves had been secured.*"

Mr. STIRLING. Will the gentleman allow